

United States District Court

FILED

----- DISTRICT OF SOUTH DAKOTA -----

NOV 15 2011

WESTERN DIVISION


CLERK

UNITED STATES OF AMERICA,

Case No. 11-50085-01

Plaintiff,

ORDER SETTING CONDITIONS OF RELEASE


vs.

ARCHY BROWN,

Defendant.

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state, local, or tribal law while on release in this case.
- (2) The defendant shall maintain regular contact with his counsel and promptly respond to any inquiries from counsel.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (4) The defendant shall not possess a firearm, destructive device, live ammunition, or other dangerous weapon.
- (5) The defendant shall not use or possess alcohol or other intoxicants, and shall not enter any bars, liquor stores, or any business whose principal business is the sale of alcohol.
- (6) The defendant shall not use or possess any narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless such substance is prescribed to him by a licensed medical practitioner.
- (7) The defendant shall undergo inpatient chemical dependency treatment at Black Hills Recovery Center (BHRC) beginning on 11/16/2011 and shall follow all rules of the program. The defendant shall not leave BHRC unless accompanied by a staff member of BHRC or given permission by pretrial services.
- (8) The defendant agrees to submit to any random testing required by pretrial services to ensure that he has not used alcohol or drugs, and the defendant agrees not to take any steps designed to interfere or mask the results of such testing.
- (9) The defendant shall not make any contact, direct or indirect, with any person who may be a witness, co-defendant, or victim in this case or in any related case, specifically Rainbow Stoneman.
- (10) The defendant shall report to pretrial services as directed by that office.
- (11) The defendant shall immediately report to pretrial services any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (12) The defendant shall immediately return to the Pennington County Jail upon discharge from BHRC.
- (13) The defendant shall be released from the Pennington County Jail to ~~Denise or John Murphy~~ on 11/16/2011 no later than 8:00 a.m.


an individual approved by
pretrial services

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



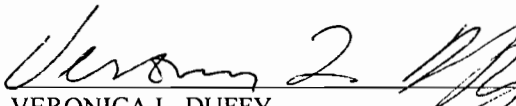
Signature of Defendant

Directions to United States Marshal

- to an individual approved by pretrial service*
- (X) The defendant shall be released from the Pennington County Jail to ~~Denise or John Murphy~~ on 11/16/2011 no later than 8:00 a.m.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody. *VLD*

Dated November 15, 2011.

BY THE COURT:


VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE